

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

P.C.F. PROPERTIES IN TX, LLC

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Plaintiff

§

§

vs.

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CASE NO. 25-cv-01461

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JIREH PITTS, ET AL

§

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Defendants

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**P.C.F. PROPERTIES IN TX, LLC’S OBJECTION TO
APPLICATION TO PROCEED IN FORMA PAUPERIS (Docket No. 4) AND
MOTION TO STAY (Docket No. 6) and MOTION TO REMAND**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, P.C.F. PROPERTIES IN TX, LLC., Respondent, and files its objection to the Application to Proceed In Forma Pauperis and Motion to Stay purportedly filed by Jireh Pitts, Motion (Docket Nos. 4 and 6), and P.C.F. Properties in TX, LLC’s Motion to Remand, and respectfully shows the following:

1. Factual Background

This case involves yet another attempt to remove state court litigation purportedly filed by Jireh Pitts challenging Respondent’s ownership of its property located at 8202 Terra Valley Lane, Tomball, TX 77375. This attempted removal, along with many other cases filed by or on behalf of Elizabeth Thomas, involves state court litigation in direct violation of District Court orders entered in the following cases:

- a. Case No. 4:19-cv-00559; Order entered by Judge Hittner;
- b. Case No. 4:19-cv-04321; Order entered by Judge Hughes;

- c. Case No. 4:22-cv-00705; Order entered by Judge Bennett, and
- d. Case No. 4:22-cv-00742; Order entered by Judge Hanks.

The Court should deny the relief sought in the pending motions and remand this case to state court.

2. Application to Proceed in Forma Pauperis (Doc. 4) Should be Denied

Jireh Pitts has filed an Application to Proceed in District without Prepaying Fees or Costs. See, Docket No. 5. The Application should be denied. Respondent would show that this attempted removal was brought for an improper purpose. Applicant, Jireh Pitts has challenged Respondent's ownership interest in its property on numerous occasions in state court and has lost. Pitts filed pauper's affidavits in the state court cases to avoid paying filing fees and other costs. Those cases have been dismissed or nonsuited when Pitts did not obtain the relief Pitts wanted, which was title to, and possession of, Respondent's property. As a consequence for filing bad faith lawsuits, the 80th Judicial District Court of Harris County, in Case No. 2020-35780, has declared Pitts to be a vexatious litigant. A copy of the Vexatious Litigant Order is attached hereto as Exhibit 1.

This removal proceeding is no different. On information and belief, Pitts is acting on behalf of, or in the interests of, Elizabeth Thomas, who has been precluded from removing state court cases to federal court without prior approval of the Chief Judge of the Southern District of Texas. As a result, the Application should be denied.

3. Motion to Stay Should be Denied.

Pitts has filed a Motion to Stay this proceeding pending resolution of Case No. 24-cv-04357, styled *Elizabeth Thomas, v P.C.F. Properties in TX, LLC*, is resolved. See, Docket No. 6. In that case, Elizabeth Thomas seeks to transfer and consolidate the following cases into that appeal:

- a. Case No. 25-cv-01436; *In re P.C.F. Properties in TX, LLC, v. Pitts, et al*;
- b. Case No. 25-cv-01437; *In re P.C.F. Properties in TX, LLC, v. Pitts, et al*;
- c. Case No. 25-cv-01439; *In re P.C.F. Properties in TX, LLC, v. Pitts, et al*, and
- d. Case No. 25-cv-01467, *In re P.C.F. Properties in TX, LLC, v. Pitts, et al*.

All of these cases were also improperly removed from state court in direct, willful and intentional violation of numerous orders of the Southern District of Texas requiring pre-approval prior.

Because this Court does not have appellate jurisdiction over the Bankruptcy Court Consent Order in that appeal, the Court should deny the Motion to Stay in this case and remand this proceeding to state court.

4. There is No Basis for Federal Court Jurisdiction

Assuming this Court were to entertain Movant's Motion, Respondent would show that a stay of this case is inappropriate and this case should be remanded to state courts. The matters raised in this attempted removal proceeding are legal questions governed purely by Texas state law and there parties to this litigation are Texas residents. Therefore, there is no basis for federal court jurisdiction. See, 28 U.S.C. §§ 1332(a) and 1446.

This attempted removal, in violation of numerous District Court orders, was filed for an improper purpose solely to harass Respondent, hinder Respondent's quiet enjoyment of its property, and cause Respondent to incur hundreds of thousands of dollars in legal fees and costs defending its property rights. The Court should deny the motion to stay and remand this case to the originating state court.

Respondent maintains that Jireh Pitts is acting on behalf of Ms. Thomas and should be sanctioned for violating District Court orders precluding further removals. Respondent prays that the Court deny the Motion to Transfer and Consolidate, remand this case back to its court of origin,

and enter appropriate orders sanctioning Ms. Thomas for willful and intentional violations of District Court orders. Additionally, James Andersen, a licensed attorney, has filed this proceeding and should be held accountable for violating the District Court orders. Mr. Andersen should be sanctioned for willful and intentional violation of the District Court orders.

Conclusion and Prayer

Wherefore, premises considered, Appellee prays that this Court, after notice and a hearing, deny the Application to Proceed in District Court Without Prepaying Fees or Costs, the Motion to Stay, and remand these cases to their respective state courts, and sanction Elizabeth Thomas and James Andersen for violating the District Court orders, award Appellee its legal fees and costs, and grant Appellee such other and further relief to which it may show itself justly entitled.

Respectfully submitted,

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ATTORNEYS, P.C.F. Properties in TX, LLC

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Motion for Remand, was served upon the Defendants at the addresses listed below by CM/ECF service on this the 25st day of April, 2025, by prepaid U.S. regular and certified mail, return receipt requested, and by email at the addresses listed below:

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